

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOSEPH F. ISTVANIK and DEPARTMENT OF DEFENSE,
DEFENSE LOGISTICS AGENCY, Philadelphia, Pa.

*Docket No. 97-191; Submitted on the Record;
Issued December 24, 1998*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant is entitled to reimbursement for the prescription medications Imitrex, Fiorinal, Phenergan and Lorcet.

This is appellant's third appeal before the Board.¹ The facts and circumstances of the case have been detailed in the pleadings accompanying the prior decisions and are hereby incorporated by reference.

Appellant's three active claims were accepted for the conditions of lumbosacral strain, right inguinal strain, aggravation of simple schizophrenia, left lateral epicondylitis, left shoulder adhesive capsulitis, and bilateral shoulder tendinitis problems. The only issue before the Board on this appeal is the denial of reimbursement for the above noted pharmaceuticals.

The Board finds that the decisions of the Office of Workers' Compensation Programs dated November 12, September 13 and June 12, 1996 must be affirmed in part as to the migraine medications Imitrex, Fiorinal and Phenergan, but reversed in part with respect to the narcotic analgesic Lorcet.

In order to be entitled to reimbursement of medical expenses, appellant must establish that the expenditures were incurred for treatment of the effects of an accepted employment-related injury or condition. Proof of causal relation in a case such as this must include supporting rationalized medical evidence.²

¹ See Docket No. 94-426 (issued June 27, 1994); Docket No 91-1750 (issued May 29, 1992).

² *Bertha L. Arnold*, 38 ECAB 282 (1986); *Delores May Pearson*, 34 ECAB 995 (1983); *Zane H. Cassell*, 32 ECAB 1537 (1981); *John R. Benton*, 15 ECAB 48 (1963).

The medical evidence of record supports that Imitrex, Fiorinal and Phenergan are being prescribed for appellant's migraine headaches. The Board notes that migraine headaches have not been accepted by the Office as being causally related either to specific factors of employment directly, or as a consequential injury related to his accepted employment-related conditions. Therefore, medication for treatment of migraine headaches is not reimbursable under the Federal Employees' Compensation Act at this point.

However, the Board notes that the medical evidence of record supports that Lorcet was prescribed as part of an analgesic regimen for treatment of appellant's accepted painful musculoskeletal conditions,³ and not for his minor bone spurs and secondary plantar fascitiis. Therefore, appellant is entitled to reimbursement for Lorcet prescriptions.

The decisions of the Office of Workers' Compensation Programs dated November 12, September 13 and June 12, 1996 are hereby affirmed as to the migraine medications Imitrex, Fiorinal and Phenergan, but are reversed as to the analgesic Lorcet.

Dated, Washington, D.C.
December 24, 1998

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

³ See June 18, 1996 report from Dr. Norman B. Stempler, Board-certified orthopedic surgeon, which clarifies that Lorcet was prescribed as analgesia for low back and bilateral upper extremity conditions, and that nothing was prescribed for heel pain.